

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 5-8, 10-12 and 15-36 are requested to be canceled without prejudice or disclaimer.

Claims 1-4, 9, 13 and 14 are currently being amended.

Claims 37-65 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 9, 13-14 and 37-65 are now pending in this application.

Rejections under 35 U.S.C. § 101

Claims 35 and 36 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. These claims are currently being canceled without prejudice or disclaimer. Accordingly, the rejection of claims 35 and 36 under 35 U.S.C. § 101 is moot.

Rejections under 35 U.S.C. § 103

Claims 1-11 and 13-36 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No. 20020091926 to Fukutomi (hereinafter “Fukutomi”) in view of International Patent Publication No. WO 2001/80525 to Hans, Sebastian and Juergen (hereinafter “Hans”). Applicant respectfully traverses this rejection for at least the following reasons.

As noted in a previous reply by Applicant, embodiments of the present invention relate to linking a service context to a terminal connection in a network controlling device of a data network. As noted in the abstract of the disclosure, in accordance with embodiments of the present invention, network resources can be optimized. In this regard, rather than a terminal device informing the GGSN of its interest for a service, the terminal device is informed of the service provision by the data network through a service notification. Applicant has amended the claims to more clearly recite this feature. Accordingly, amended claim 1 recites “receiving, at a terminal, a service notification from a data network; requesting setup of a terminal connection towards a network controlling device in response to the receipt of said service notification....”

Fukutomi fails to teach at least these features of the pending claims. Fukutomi discloses a multicast authentication method for authenticating the participation of a receiver host in a multicast group of a sender host, an authentication server therefor, a network interconnection apparatus and a multicast authentication system. Fukutomi proposes introducing a user authentication server for authenticating a receiver host for each of a plurality of types of contents. If a receiver host notifies an application to the effect that a user of the receiver host wants to participate in some content, the address of the receiver host is registered in the user authentication server in advance. If a receiver host issues a participation request, the user authentication server checks whether an address of the receiver host coincides with a registered address. If the addresses coincide, the receiver host issuing the participation request is authenticated.

The Examiner specifically cites to paragraphs [0099], [0104], [0105] and Figures 9 and 18 of Fukutomi as disclosing the above-noted features of the pending claims. Applicant respectfully disagrees with the Examiner’s interpretation of the disclosure of Fukutomi as applied to the pending claims. Specifically, the portions of Fukutomi cited by the Examiner disclose that a terminal device (receiver host) indicates its interest in a service (content), rather than being informed of a service provision by the data network, as in accordance with embodiments of the present invention. Thus, Fukutomi fails to teach or suggest that a service notification is provided by a data network or that a terminal connection towards a network controlling device is set up in response to the service notification. Hans is not cited as

disclosing this feature. Further, a thorough review of Hans by Applicant fails to yield any such disclosure. Therefore, Hans fails to cure at least this deficiency of Fukutomi.

Since the cited references, either alone or in combination, fail to teach or suggest each feature of the pending claims, the Office Action fails to establish a *prima facie* case of obviousness. Therefore, independent claim 1 is patentable. Claims 2-4, 9, 13 and 14 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

New Claims

Claims 37-65 have been added to recite additional aspects of the invention. Support for the subject matter of claims 37-65 may be found in the originally filed specification and drawings. No new matter is introduced. Further, claims 37-65 are believed to be patentable for at least the reasons noted above.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely

acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 17, 2009

By /G. Peter Albert, Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268